

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

RICHARD SLEZAK,

Plaintiff,

v.

SUBARU CORPORATION,
SUBARU OF AMERICA,
DOES 1-25,

Defendants.

Case No. 19-cv-00082-DKW-KJM

**ORDER DENYING WITHOUT
PREJUDICE MOTION FOR
WAIVER OF COURT FEES¹**

On February 14, 2019, Plaintiff Richard Slezak, proceeding pro se, filed a Complaint against Subaru Corporation, Subaru of America, and Does 1-25. Dkt. No. 1. On the same day, a Deficiency Order was entered informing Slezak of his failure to pay filing and administrative fees or file a fully completed *in forma pauperis* application, and the need for Slezak to either pay the fees or file an application within 28 days of the Deficiency Order. Dkt. No. 2. Still on the same day, but after entry of the Deficiency Order, a Motion for Waiver of Court Fees from Slezak was docketed. Dkt. No. 4. The Motion for Waiver of Court Fees states only that Slezak requests a fee waiver and declares under penalty of perjury

¹Pursuant to Local Rule 7.2(d), the Court finds this matter suitable for disposition without a hearing.

that he has limited assets and currently has sources of income that are less than the filing fees.

So the record is clear, the Court instructs Slezak that his Motion for Waiver of Court Fees does not cure the deficiencies identified in the Deficiency Order. Put simply, the Motion for Waiver of Court Fees does not satisfy the Court that Slezak is entitled to proceed *in forma pauperis* in this action. “[A] plaintiff seeking IFP status must allege poverty with some particularity, definiteness and certainty.” *Escobedo v. Applebees*, 787 F.3d 1226, 1234 (9th Cir. 2015). Here, Slezak’s one-sentence statement in the Motion for Waiver of Court Fees fails to do so, and thus, the Motion for Waiver of Court Fees is **DENIED WITHOUT PREJUDICE**.

Instead, as the Deficiency Order directs, Slezak must fully complete and sign the Court’s Application to Proceed *in forma pauperis*, which will be sent to Slezak with this Order, or pay the civil filing fees in full by **March 14, 2019**. **Failure to do so will result in automatic dismissal of this action.**

The Clerk of Court is **DIRECTED** to mail Slezak a blank Application to Proceed In District Court Without Prepaying Fees or Costs (AO 240) and the accompanying instruction sheet so that he may comply with this Order.

IT IS SO ORDERED.

Dated: February 27, 2019 at Honolulu, Hawai‘i.




Derrick K. Watson
United States District Judge